

103^D CONGRESS
1ST SESSION

S. 892

To prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, APRIL 19), 1993

Mr. CHAFEE (for himself and Mr. PELL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Health and
5 Safety Act of 1993”.

6 **SEC. 2. FINDINGS AND DECLARATIONS.**

7 The Congress finds and declares that—

1 (1) the number of privately held handguns has
2 more than doubled—from 33,000,000 in 1973 to
3 more than 70,000,000 today—in the past two dec-
4 ades alone, and the number of handguns in circula-
5 tion continues to increase by 2,000,000 handguns
6 each year;

7 (2) handguns play a major role, disproportion-
8 ate to their number in comparison with rifles and
9 shotguns, in violent crime, intentional and accidental
10 death, and intentional and accidental injury;

11 (3) while the number of homicides committed
12 with long guns has remained relatively stable, the
13 number of handgun homicides has set new records
14 every year since 1987, matching pace with the sky-
15 rocketing national homicide rate;

16 (4) the number of handgun-related incidents in
17 elementary and secondary schools has increased
18 sharply, with significant numbers of schoolchildren
19 in rural and urban areas reporting easy access to
20 and frequent carrying to school of handguns; and
21 the presence of handguns in school not only pro-
22 vokes worry among parents and children but also
23 causes much needed school funds to be diverted for
24 purchase of security equipment;

1 (5) handgun violence places considerable strain
2 on the national health care system and is a major
3 contributor to its escalating costs, with at least
4 \$4,000,000,000 being spent annually on emergency
5 care, hospitalization, follow-up care, rehabilitation,
6 and medication;

7 (6) handguns kept in the home are of less value
8 than is commonly thought in defending against in-
9 truders, and they are far more likely to increase sig-
10 nificantly the danger of a handgun fatality or injury
11 to the inhabitants (including children) than to en-
12 hance their personal safety;

13 (7) violent crime and injury committed with
14 handguns constitute a burden upon and interfere
15 with interstate and foreign commerce, and threaten
16 the domestic tranquility of the Nation; and

17 (8) current Federal firearms policy is wholly in-
18 adequate to counteract the social, economic, and fi-
19 nancial costs exacted by handguns to our society.

20 **SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.**

21 Chapter 44 of title 18, United States Code, is amend-
22 ed—

23 (1) by—

24 (A) redesignating the text of the chapter
25 as subchapter A;

1 (B) inserting after the chapter heading the
 2 following:

“Subchapter

“A. Firearms In General	921
“B. Handguns	941

“SUBCHAPTER A—FIREARMS IN GENERAL”;

3 and

4 (C) striking “this chapter” each place it
 5 appears and inserting “this subchapter”; and
 6 (2) by adding at the end the following new sub-
 7 chapter:

“SUBCHAPTER B—HANDGUNS

“Sec.

“941. Definitions.

“942. Unlawful acts.

“943. Licensing of handgun clubs.

“944. Registration of security guard services.

“945. Recordkeeping and reports; transfers to licensed handgun clubs.

“946. Voluntary delivery to law enforcement agency; reimbursement.

“947. Penalties.

“948. Regulations.

“949. Relation to other law.

“950. Severability.

8 **“§ 941. Definitions**

9 “(a) TERMS DEFINED IN SECTION 921.—Unless oth-
 10 erwise defined in subsection (b), a term used in this sub-
 11 chapter that is defined in section 921 has the meaning
 12 stated in that section.

13 “(b) ADDITIONAL TERMS.—As used in this sub-
 14 chapter:

15 “‘Handgun’ means any firearm including a pis-
 16 tol or revolver that is designed to be fired by the use

1 of a single hand, or any combination of parts from
2 which such a firearm can be assembled.

3 “‘Handgun ammunition’ means ammunition
4 that is designed for use primarily in a handgun.

5 “‘Handgun club’ means a club organized for
6 bona fide target shooting with handguns.

7 “‘Licensed handgun club’ means a handgun
8 club that is licensed under section 943.

9 “‘Registered security guard service’ means a
10 security guard service that is registered under sec-
11 tion 944.

12 “‘Security guard service’ means an entity that
13 engages in the business of providing security guard
14 services to the public.

15 **“§ 942. Unlawful acts**

16 “(a) OFFENSE.—Except as provided in subsections
17 (b) and (c), it is unlawful for a person to manufacture,
18 import, export, sell, buy, transfer, receive, own, possess,
19 transport, or use a handgun or handgun ammunition.

20 “(b) EXCEPTIONS.—Subsection (a) does not apply
21 to—

22 “(1) the Army, Navy, Air Force, Marine Corps,
23 Coast Guard, and National Guard;

1 “(2) Federal, State, or local government agen-
2 cies charged with law enforcement duties that re-
3 quire its officers to possess handguns;

4 “(3) registered security guard services; or

5 “(4) licensed handgun clubs and members of li-
6 censed handgun clubs.

7 “(c) APPROVED TRANSACTIONS.—Pursuant to regu-
8 lations issued by the Secretary, the Secretary may approve
9 the manufacture, importation, sale, purchase, transfer, re-
10 ceipt, ownership, possession, transportation, and use of a
11 handgun or handgun ammunition by licensed manufactur-
12 ers, licensed importers, and licensed dealers as necessary
13 to meet the lawful requirements of the persons and entities
14 described in subsection (b).

15 **“§ 943. Licensing of handgun clubs**

16 “(a) HANDGUN CLUBS.—Pursuant to regulations is-
17 sued by the Secretary, the Secretary may issue a license
18 to a handgun club if—

19 “(1) no member of the handgun club is a per-
20 son whose membership and participation in the club
21 is in violation of State or local law;

22 “(2) no member of the handgun club is prohib-
23 ited from transporting, shipping, or receiving fire-
24 arms or ammunition in interstate or foreign com-
25 merce under section 922 (g) or (h);

1 “(3) no member of the handgun club has will-
2 fully violated this chapter or any regulations issued
3 under this chapter;

4 “(4) the handgun club has not willfully failed to
5 disclose any material information required, or has
6 not made any false statement as to any material fact
7 in connection with its application;

8 “(5) the club has been founded and operated
9 for bona fide target shooting; and

10 “(6) the handgun club—

11 “(A) has permanent premises from which
12 it operates;

13 “(B) maintains possession and control of
14 the handguns used by its members;

15 “(C)(i) has procedures and has facilities on
16 its premises for keeping such handguns in a se-
17 cure place, under the control of a designated of-
18 ficer of the club; or

19 “(ii) has made arrangements for the stor-
20 age of the members’ handguns in a facility of
21 the local police department or other law en-
22 forcement agency,

23 at all times when they are not being used for target
24 shooting; and

1 “(D) meets all operational, safety, security,
2 training, and other requirements that the Sec-
3 retary may prescribe by regulation.

4 “(b) REVOCATION.—The secretary shall revoke the li-
5 cense of a licensed handgun club that does not continue
6 to meet the requirements of subsection (a).

7 “(c) LICENSE FEE.—A licensed handgun club shall
8 pay to the Secretary an annual license fee of \$25.

9 **“§ 944. Registration of security guard services**

10 “(a) SECURITY GUARD SERVICES.—Under regula-
11 tions issued by the Secretary, the Secretary may approve
12 the registration of a security guard service if—

13 “(1)(A) the security guard service has proce-
14 dures and has facilities on its premises for keeping
15 its handguns in a secure place, under the control of
16 a designated officer of the security guard service; or

17 “(B) has made arrangements for the storage of
18 its handguns in a facility of the local police depart-
19 ment or other law enforcement agency, at all times
20 when such handguns are not in use for legitimate
21 business purposes;

22 “(2) the security guard service has obtained all
23 necessary State and local licenses and meet all State
24 and local requirements to engage in the business of
25 providing security guard service; and

1 “(3) the security guard service meets all oper-
2 ational, safety, security, training, and other require-
3 ments that the Secretary may prescribe by regula-
4 tion.

5 “(b) REVOCATION.—The Secretary shall revoke the
6 registration of a registered security guard service that
7 does not continue to meet the requirements of subsection
8 (a).

9 “(c) REGISTRATION FEE.—A registered security
10 guard service shall pay to the Secretary an annual reg-
11 istration fee of \$50.

12 **“§ 945. Recordkeeping and reports; transfers to li-**
13 **censed handgun clubs**

14 “(a) RECORDKEEPING.—A licensed manufacturer, li-
15 censed importer, licensed dealer, licensed handgun club or
16 member of a licensed handgun club, or registered security
17 guard service that sells or otherwise transfers handguns
18 or handgun ammunition shall—

19 “(1) maintain records of sales, transfers, re-
20 ceipts, and other dispositions of handguns and hand-
21 gun ammunition in such form as the Secretary may
22 by regulation provide; and

23 “(2) permit the Secretary to enter the premises
24 at reasonable times for the purpose of inspecting
25 such records.

1 “(b) REPORTS OF LOSS OR THEFT.—(1) A licensed
2 handgun club or registered security guard service shall re-
3 port to the Secretary a loss or theft of any handgun in
4 its possession or the possession of one of its members of
5 employees not later than thirty days after the loss or theft
6 is discovered.

7 “(2) A report made under subsection (a) shall include
8 such information as the Secretary by regulation shall pre-
9 scribe, including the date and place of theft or loss.

10 “(c) TRANSFERS TO HANDGUN CLUBS.—A person
11 that sells or otherwise transfers a handgun to a licensed
12 handgun club or member of a licensed handgun club shall
13 be shipped or otherwise delivered directly to the premises
14 of the licensed handgun club where the handgun will be
15 kept.

16 **“§ 946. Voluntary delivery to law enforcement agen-**
17 **cy; reimbursement**

18 “(a) DELIVERY.—A person may at any time volun-
19 tarily deliver to any Federal, State, or local law enforce-
20 ment agency designated by the Secretary a handgun
21 owned or possessed by the person.

22 “(b) DISPOSITION.—The Secretary shall arrange
23 with each agency designated to receive handguns for the
24 transfer, destruction, or other disposition of handguns de-
25 livered under subsection (a).

1 “(c) REIMBURSEMENT.—The Secretary shall pay to
2 a person who delivers a handgun under subsection (a) on
3 or prior to the date that is one hundred eighty days after
4 the date of enactment of this subchapter an amount equal
5 to the greater of—

6 “(1) \$25; or

7 “(2) the fair market value of the gun as deter-
8 mined by the Secretary.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary such
11 sums as are necessary to make such payments under sub-
12 section (c).

13 **§ 947. Penalties**

14 (a) VIOLATION OF SECTION 942.—(1) Except as pro-
15 vided in paragraph (2), a person who violates section 942
16 shall be fined not more than \$5,000, imprisoned not more
17 than five years, or both.

18 “(2) A person who voluntarily delivers a handgun
19 under section 946(a) after the date that is one hundred
20 eighty days after the date of enactment of this subchapter
21 shall not be subject to criminal prosecution for possession
22 of the handgun under any Federal, State, or local law,
23 but shall pay to the Secretary a civil penalty in an amount
24 determined by the Secretary, not to exceed \$500.

1 “(b) FAILURE TO REPORT LOSS OR THEFT.—A li-
2 censed handgun club or registered security guard service
3 that fails to report a loss or theft of a handgun as required
4 by section 945(b)—

5 “(1) in the case of a negligent failure to report
6 or a negligent failure to discover the loss or theft,
7 shall pay to the Secretary a civil penalty in an
8 amount determined by the Secretary, not to exceed
9 \$1,000; and

10 “(2) in the case of an intentional failure to re-
11 port, shall be fined not more than \$5,000, its officer
12 designated under section 943(a)(6)(C)(i) or
13 944(a)(1)(A) imprisoned not more than five years,
14 or both.

15 “(c) FAILURE TO DELIVER TO PREMISES OF LI-
16 CENSED HANDGUN CLUB.—A person that sells or other-
17 wise transfers a handgun to a licensed handgun club or
18 member of a licensed handgun club that causes the hand-
19 gun to be shipped or otherwise delivered by any means
20 or to any place other than directly to the premises of the
21 licensed handgun club where the handgun will be kept, in
22 violation of section 945(c)—

23 “(1) in the case of a negligent delivery to an
24 unauthorized place, shall pay to the Secretary a civil

1 penalty in an amount determined by the Secretary,
2 not to exceed \$1,000; and

3 “(2) in the case of an intentional delivery to an
4 unauthorized place, shall be fined not more than
5 \$5,000, imprisoned not more than five years, or
6 both.

7 “(d) FALSE STATEMENT OR REPRESENTATION.—(1)
8 A person who—

9 “(A) makes a false statement or representation
10 with respect to information required by this sub-
11 chapter to be kept in the records of an importer,
12 manufacturer, dealer, or handgun club licensed
13 under this subchapter or security guard service reg-
14 istered under this subchapter; or

15 “(B) makes a false statement or representation
16 in applying for a handgun club license or security
17 guard service registration under this subchapter,
18 shall be subject to penalty under paragraph (2).

19 “(2)(A) In the case of a negligent making of a false
20 statement or representation described in paragraph (1),
21 the person shall pay to the Secretary a civil penalty in
22 an amount determined by the Secretary, not to exceed
23 \$1,000; and

24 “(B) in the case of an intentional making of a false
25 statement or representation described in paragraph (1),

1 the person shall be fined not more than \$5,000, impris-
2 oned not more than five years, or both.

3 “(e) FAILURE TO KEEP OR PERMIT INSPECTION OF
4 RECORDS.—A person who fails to keep or permit inspec-
5 tion of records in violation of section 945(a)—

6 “(1) in the case of a negligent failure to main-
7 tain records, shall pay to the Secretary a civil pen-
8 alty in an amount determined by the Secretary, not
9 to exceed \$1,000; and

10 “(2) in the case of an intentional failure to
11 maintain records or any failure to permit inspection
12 of records, shall be fined not more than \$5,000, and
13 its chief executive officer or other person responsible
14 for the failure shall be imprisoned not more than
15 five years, or both.

16 “(f) FORFEITURE.—Any handgun or handgun am-
17 munition involved or used in, or intended to be used in,
18 a violation of this subchapter or any regulation issued
19 under this subchapter, or any violation of any other crimi-
20 nal law of the United States, shall be subject to seizure
21 and forfeiture, and all provisions of the Internal Revenue
22 Code of 1986 relating to the seizure, forfeiture, and dis-
23 position of firearms shall, so far as applicable, extend to
24 seizures and forfeitures under this subchapter.

1 **“§ 948. Regulations**

2 “The Secretary may prescribe such regulations as the
3 Secretary deems necessary to carry out this subchapter.

4 **“§ 949. Relation to other law**

5 “The regulation of handguns under this subchapter
6 is in addition to the regulation of handguns under sub-
7 chapter A and any other Federal, State, or local law.

8 **“§ 950. Severability**

9 “If any provision of this subchapter or the application
10 thereof to any person or circumstance is held invalid, the
11 remainder of the subchapter and the application of that
12 provision to other persons not similarly situated or to
13 other circumstances shall not be affected thereby.”.

14 **SEC. 4. RULE OF CONSTRUCTION.**

15 Nothing in this Act shall be construed as modifying
16 or affecting any provision of—

17 (1) the National Firearms Act (chapter 53 of
18 the Internal Revenue Code of 1956);

19 (2) section 414 of the Mutual Security Act of
20 1954 (22 U.S.C. 1934), relating to munitions con-
21 trol; or

22 (3) section 1715 of title 18, United States
23 Code, relating to nonmailable firearms.

1 **SEC. 5. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this Act and the amendments made by this Act shall
4 take effect on the date of enactment of this Act.

5 (b) DELAYED EFFECTIVE DATE.—Sections 942 and
6 945 of title 18, United States Code, as added by section
7 3, shall take effect on the date that is one hundred and
8 eighty days after the date of enactment of this Act.

○

S 892 IS—2